

BOARD OF APPEALS
Regular Meeting
Open Session
December 12, 2002

The Spalding County Board of Appeals held its regular meeting on December 12, 2002 at 7:00 p.m. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Chairman Margaret Palmer, presiding, Mose Stogner, Charles Heggie, Dennis Richardson, Greg Pruitt, and Karen Mathiak. Keith Dryden and Frank Harris were not present at the meeting.

Also, present were Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway, Senior Planner Lee Craig, and Cindy McDaniel to record the minutes.

Ms. Palmer called the meeting to order, introduced the members of the Appeals Board, and gave the procedure for handling the applications.

Application #02-40V: Lift from the table - Deloris Sherwood Birdwell, Owner – Barbara L. Burdette, Milton M. and Sybil W. Lord, Agents – Lot 4 Mintz Street (8.356 acres, more or less, located in Land Lot 17 of the 3rd Land District) – requesting a Variance from minimum lot width in the R-2 District.

MOTION

Ms. Mathiak made a motion to lift from the table Application #02-40V. The motion passed on a second by Mr. Richardson with Karen Mathiak, Dennis Richardson, Charles Heggie, Mose Stogner, and Margaret Palmer voting for the motion.

Deloris Birdwell came forward, was sworn, gave her name, and address as 1307 Greenview Drive.

Ms. Birdwell stated the application is for a variance on lot width on Mintz Street.

Mr. Pruitt entered meeting at this time.

Barbara Burdette came forward, was sworn, gave her name, and address as 6550 Port A Prince Drive, Forest Park, Georgia.

Ms. Burdette stated Mr. Sherwood is present tonight and can explain about the nitrification field in front of the property. Ms. Burdette stated the site plan has been drawn, and the Environmental Health has already granted approval for 2 septic tanks to be installed on the property.

Aquila Coe came forward, was sworn, gave his name, and address as 17 Mintz Street.

Mr. Coe stated he feels the variance is a self-created hardship, and should not be approved.

J. T. Sherwood came forward, was sworn, gave his name, and address as 434 North McDonough Road.

Mr. Sherwood stated the subdivision was laid out to the specifications of Environmental Health. At the time the subdivision was development, the subdivision met all requirements of Spalding County. Mr. Sherwood stated per Environmental Health, if a septic tank goes under a driveway, a solid pipe is required. Mr. Sherwood stated a solid pipe was installed, and there is no leach field under the driveways. There is a section of property set aside for the leach fields.

Mr. Taylor stated staff recommend approval of the variance request.

Ms. Burdette showed the Board of Appeals a copy of the site plan approved by Environmental Health, which included the proposed locations for the 2 dwellings.

MOTION

Mr. Richardson made a motion to approve Application #02-40V from minimum lot width of 125' to 105.33' and 85.78'. The motion passed on a second by Mr. Pruitt with Margaret Palmer, Mose Stogner, Dennis Richardson, Greg Pruitt, Charles Heggie, and Karen Mathiak voting for the motion.

Ms. Palmer advised Ms. Burdette that the Board of Appeals had approved her variance application, and she would be receiving a letter from the Community Development office.

Application #02-41V: Lift from the table - Pilkenton-Murray, LLC, Owner – Aerodrome Way – Raventree Subdivision (25.6 acres located in Land Lot 86 of the 2nd Land District) – requesting a Variance from required detention pond fencing.

MOTION

Ms. Mathiak made a motion to lift from the table Application #02-41V. The motion passed on a second by Mr. Pruitt with Karen Mathiak, Dennis Richardson, Greg Pruitt, Charles Heggie, Mose Stogner, and Margaret Palmer voting for the motion.

Harvey Pilkenton came forward, was sworn, gave his name, and address as 111 Cheshire Drive, Griffin.

Mr. Pilkenton stated there are 2 detention ponds on the property. One detention pond in the rear of the property is the major one. The other detention pond is a smaller pond on the left side of the property that retains a very small amount of storm drainage. This detention pond is designed in the middle of 2 lots. There is approximately a 2 ½ to 3-foot dam, which does not have a pipe. The water is contained and is released at a slower rate. Mr. Pilkenton stated he does not feel this would impose a danger by not having a fence

around the detention pond, and would allow the landscaping of the yards and around the pond.

Mr. Taylor stated staff recommends approval of the variance request. Fences of this nature are required to protect people from wandering into the pond. This pond does not really pose danger to anyone. Staff feels the fence would not serve any purpose. Variance approval is conditioned on the submittal of a landscaping plan be submitted for approval by the Administrative Officer.

Discussion was held as to why landscaping plans should be submitted.

MOTION

Mr. Pruitt made a motion to approve Application #02-41V from required detention pond fencing to be located on Lots 2 and 3 in Raventree Subdivision. The motion passed on a second by Mr. Richardson with Margaret Palmer, Mose Stogner, Dennis Richardson, Greg Pruitt, and Karen Mathiak voting for the motion, and Charles Heggie voting against the motion..

Ms. Palmer advised Mr. Pilkenton that the Board of Appeals had approved his variance application, and he would be receiving a letter from the Community Development office.

Application #02-44S: Florida Rock Industries, Inc., Owner – West Williamson Road (84 acres located in Land Lots 67, 94, and 95 of the 1st Land District) – requesting a Special Exception to expand the operation of a granite quarry.

Ben Robuck came forward, was sworn, gave his name, and address as 100 Lee's Mill Road, Forest Park, Georgia 30297.

Mr. Robuck stated Florida Rock operates on 187± acres at the intersection of Rover-Zetella Road and West Williamson Road. Florida Rock has been in operation since the early 1970's. Florida Rock has purchased the 84 acres across West Williamson Road, and are proposing to re-route West Williamson Road. The request tonight is for the 84 acres only.

Mr. Robuck stated quarries attract a lot of attention in the community. Florida Rock is very attuned to the fact that they could have been better neighbors in the past. Florida Rock has, in the past year, met with the community. A community board was developed and has met with Florida Rock for the past 6 plus months helping the board get to know Florida Rock, and Florida Rock learning more about what their impact is in the community, and what can be done to improve. Florida Rock has tried to address areas that can be improved independent of Florida Rock's proposal tonight. Florida Rock has not tried to hide anything and has been upfront with the proposal. Florida Rock would not take the mining operation from where it is currently located and move it across West Williamson Road to the 84 acres. Florida Rock is proposing creating more buffer between Florida Rock and a growing community. Florida Rock will not relocate the pit any closer to West Williamson Road than it already is located. Questions have been

asked at various meetings what Florida Rock would do with this property and why Florida Rock has spent the money. There are no guarantees that the Special Exception will be approved by Spalding County. It is the contention that there are some things that Florida Rock would like to do with that property and approval by Spalding County is needed to do them. There are currently 2 sediment ponds on Florida Rock's property now. Florida Rock would relocate the sediment ponds, meeting all current regulations, and create a bigger sediment pond on the property across West Williamson Road. The purpose of relocating the sediment pond is due to the existing pond being breached due to a flood several years ago. A larger sediment pond would give Florida Rock a peace of mind, whether there are neighbors on West Williamson Road or not. Another purpose would allow Florida Rock to take an excess size that currently can't be sold to anybody else and reprocess that material to turn it into a sellable size. To do that Florida Rock is washing out some very fine material, and the sediment ponds are not big enough to handle that. A larger sediment pond will allow Florida Rock to operate. Florida Rock is creating buffer. If the Special Exception is denied, the quarry will operate as it is and will do their very best to a good neighbor. If the Special Exception is granted for this property, a buffer will be created to isolate Florida Rock further from our community. There have been questions about asphalt plants on this property. Florida Rock has no intent to locate a asphalt plant on this property as per this request or any other request. Property values will not be adversely affected anymore than they already are.

Mr. Robuck showed and discussed a proposed plan with the Planning Commission.

Dennis Robertson came forward, was sworn, gave his name, and address as 1153 Bethany Road.

Mr. Robertson stated he is opposed to the expansion of the mining operation of Florida Rock. Mr. Robuck stated the expansion of the mining operation was not the intention of the quarry. If expansion was approved, there would be certain issues that would be immediately initiated, which would be the addition of noise and dust levels, damage to existing homes that are already in the area from blasting. If all the request is for are berms, and trying to protect Florida Rock's visual capacity from being an eyesore in the community and further helping cut down noise and dust levels, then the negativity is maintainable. There is a concern that Spalding County is considering disillusion of residential property in favor of heavy industrial expansion. If the bulk of the property is going to be used for a retention pond, is Spalding County strictly working on ethics and protecting the community? Mr. Robertson stated he has suffered some minor damage at his home due to blasting. Mr. Robertson stated when he purchased his property back in 1995 he was aware of the rock quarry being in the area.

Jackie Bryan came forward, was sworn, gave her name, and address as 405 Candler Road, Williamson.

Ms. Bryan stated she has a concern of how the trees were not going to be taken out to put in the retention pond and still keep the natural buffer. Also, has a concern with the blasting by Florida Rock.

Barbara Ellerby came forward, was sworn, gave her name, and address as 409 Candler Road.

Ms. Ellerby stated the blasting done by Florida Rock has damaged her home. Ms. Ellerby stated just hearing the word expansion is scary.

Jeff Coffey came forward, was sworn, gave his name, and address 583 West Williamson Road.

Mr. Coffey stated he has a concern that West Williamson Road remain open while the re-routing is being done for West Williamson Road. Mr. Coffey stated he would like to see the natural buffer remain on the property. There is a concern about the blasting to be done when the retention pond is being installed.

Susan Ogletree came forward, was sworn, gave her name, and address as 1948 Bonnieridge Drive, Griffin.

Ms. Ogletree stated she is representing her parents who reside at 240 Rivers Road. Both parents are homebound and in wheelchairs. Ms. Ogletree stated she is concerned for her parent's property values. Her parents have had problems from the blasts shaking their home. There are also concerns about relocating the road.

Connie Dozier came forward, was sworn, gave her name, and address as 28 West Williamson Road.

Ms. Dozier stated she does not like the idea of the expansion of Florida Rock.

Don Parker came forward, was sworn, gave his name, and address as 1165 Bethany Road, Williamson.

Mr. Parker stated his main concern is the changes of the road. The changes Florida Rock is requesting to make will be good for the rock quarry, but not for the community. Mr. Parker stated he would like for the land to remain the same, and definitely not have the road relocated.

Sammy Wells came forward, was sworn, gave his name, and address as 3679 Greentree Farm, Decatur, Georgia.

Mr. Wells stated he owns farmland at 583 West Williamson Road. Mr. Wells stated he has a concern about the relocation of the road.

Mr. Pruitt asked if the property was going to be used for storage and retention pond. Mr. Taylor stated there are 3 identified uses for the property: berming for buffering purposes, retention, and storing of product.

Scott Weaver came forward, was sworn, gave his name, and address as 233 Tomochichi Road.

Mr. Weaver stated he owns property at 49 Rivers Road. Mr. Weaver stated he is concerned about property values, and the re-routing of West Williamson Road. Mr. Weaver stated he is not opposed to improving the community, but not at the expense of others.

Susan Kilgo came forward, was sworn, gave her name, and address as 54 Rivers Road, Williamson, Georgia 30292.

Ms. Kilgo stated she has a concern with the blasting by Florida Rock, damages done to her home, and the well on her property. Ms. Kilgo stated when she purchased her property, she was not aware that a rock quarry was in the area.

Ms. Palmer stated that the application stated the majority of the site would be used for buffer, including berms, and retention ponds. Also, the land would not be used for an asphalt plant. The site would, also, be used for storage. What is being stored?

Mr. Robuck stated a asphalt plant is 95% of asphalt is rock. Different sizes of rock is needed, and Florida Rock has the capacity to handle that kind of volume. Mr. Robuck stated there are no plans for an asphalt plant. Mr. Robuck stated Florida Rock has been constantly contacted by asphalt produces about the possibility of putting an asphalt plant in the quarry. Mr. Robuck stated the location is very desirable for an asphalt plant. Mr. Robuck stated as the General Manager of Florida Rock at the time, he feels it would be a complete waste of his time to try for approval of an asphalt plant. Florida Rock is not in the asphalt business, and will not be in the asphalt business. Mr. Robuck stated he does not foresee an asphalt plant being accepted by this community.

Mr. Robuck re-stated the mining will not go any closer to West Williamson Road than it already is. There is a creek on the property, and is impossible to deal with in the expansion of a pit. The construction of the sediment pond would cover a couple of acres. To build the sediment pond, excavation of the rock would not have to be done. A sediment pond is the only known interest Florida Rock has on that site. To potentially stockpile other materials, it doesn't behoove Florida Rock to double handle materials. It costs Florida Rock money. There is limited stockpile space where located now. It may be, at some point, that Florida Rock would have to go to the expense to relocate this material somewhere else on site. Florida Rock would only use approximately 2 acres for a pond, use a couple of acres for stockpiling materials, and the remaining acres would be buffer.

Mr. Robuck stated if Florida Rock doesn't do anything with this land, Florida Rock will continue to operate on the 187 acres they have right now. Nothing will change.

Mr. Robuck stated the Surface Mining Permit Florida Rock has now is based on the approved land we are sitting on. If Florida Rock were to gain access to more property,

the Surface Mining Permit would have to be amended. Florida Rock would be sited by the State if permits were not up to date.

Mr. Pruitt asked Mr. Robuck if the quarry has a contact list for blasting. Mr. Robuck stated Florida Rock has a contact list. It is as short or as long as the people request it. If anyone in this room would like to be added before Florida Rock blasts, please let us know tonight after the meeting.

Mr. Robuck stated the more buffering Florida Rock has now, the less the community would be complaining about them. Mr. Robuck stated Florida Rock may purchase some of the houses in front of the rock quarry. There was an incident at the quarry that had an impact on 7 homes. No one was hurt from the incident. Mr. Robuck stated unfortunately when Florida Rock bought the property it is sitting on today, Rover-Zetella Road was already there. Damages consisted of roof damage, a rock went through a trampoline, and a rock went through a window. The extent of the property damage was minimal.

Ms. Palmer stated if the Special Exception is approved, Florida Rock could go to the Department of Natural Resources and apply for a mining permit and could mine the land, or apply for an asphalt plant.

Mr. Galloway stated an asphalt plant would not require a rezoning, but a separate application for another Special Exception. As Florida Rock was completing the work allowed under its initial Surfacing Mining permit, a Special Exception was applied for to expand into an area immediately adjacent. The Board of Commissions, following review by the Board of Appeals, approved that application. However, at the same time, an application from an asphalt company was tendered and submitted, which, also, required Special Exception approval under a different application, was denied by the Board of Commissioners.

Mr. Galloway stated Florida Rock is agreeable to conditioning the property, on this application, that would principally be used as buffer. The Board of Appeals has the authority to condition the use of the property. Mr. Galloway stated the Board's wish is to recommend approval, the Board of Appeals could condition the approval to preclude extraction.

Mr. Robuck stated Florida Rock is willing to limit themselves.

Reginald Silas came forward, was sworn, gave his name, and address as 100 Lee's Mill Road.

Mr. Silas stated he is the Environmental Manager for Florida Rock. Mr. Silas stated as far as the Surface Mining permit, Florida Rock has to show property boundaries, and zoning before an amendment could be approved. As far as the Surface Mining permit, the pit would not change. The modification would show new boundaries that would establish setbacks as established by state law as well as showing the berm area and new pond area. No new air quality permit would be needed. If new or replacement

equipment is needed, a modification on the air quality permit would be needed for that piece of equipment. Approval of the Special Exception would allow for a better treatment of the water from the retention ponds before it leaves Florida Rock's site.

Mr. Pruitt asked if a land disturbing permit is needed any disturbance on Florida Rock's property. Mr. Galloway stated surface mining is exempted from permitting.

A recess was taken at this time.

Meeting resumed at this time.

Kenneth Bell came forward, was sworn, gave his name, and address 193 Rivers Road, Williamson, Georgia.

Mr. Bell stated he is opposed to the re-routing of West Williamson Road.

R. T. Roberts came forward, was sworn, gave his name, and address as 33 West Williamson Road.

Mr. Roberts stated the rock quarry is not going anywhere. If Florida Rock is going to improve the situation, he has no problem with approval of the Special Exception.

Mr. Taylor stated staff has recommend conditional approval of the special exception application. Mr. Taylor advised that the decision of tonight's meeting has nothing to do with the re-routing of West Williamson Road that is entirely up to the Board of Commissioners. Staff's recommended conditions to limit the activities to those referenced in the application, which are: berming, sediment ponds, and stockpiling of product. Additional conditions were discussed: activities of the expansion shall be limited to 10 acres of land, and a development plan must be submitted for this proposed expansion, plus any subsequent expansion of activities on the site.

Mr. Richardson stated that Florida Rock is willing to do just about anything the residents would like for them to do. Mr. Robuck stated if the road is approved to be relocated, some trees would have to be removed. Mr. Robuck stated there will be plenty of natural buffer that would be in the route where the road is envisioned to go. Florida Rock would like to keep as many trees as possible.

MOTION

Mr. Richardson made a motion to approve Application #02-44S conditioned so that the activities allowed on this property shall be limited to the activities referenced in this application: berming, settlement ponds, stockpiling of product, and a developmental plan must be submitted for this proposed expansion, plus any subsequent expansion of activities on the site. The motion passed on a second by Mr. Pruitt with Dennis Richardson, Greg Pruitt, Charles Heggie, and Karen Mathiak voting for the motion, and Ms. Palmer and Mr. Stogner voting against the motion.

Ms. Palmer advised Mr. Robuck that the Board of Appeals has recommended approval for the application, and the Board of Commissioners will consider the application on January 23, 2003 at 6:00 p.m.

Application #02-45S: Mary Francis M. Rankine, Owner – Alan R. Mobley, Agent – Kilgore Road (32.1 acres, more or less, located in Land Lot 124 of the 3rd Land District) – requesting a Special Exception to allow 1 acre lots in the R-2 District.

Alan R. Mobley came forward, was sworn, gave his name, and address as 262 Mobley Road.

Mr. Mobley stated he is asking for a Special Exception to develop the property on 1-acre lots. The development would consist of 26 lots. Upon approval of the Special Exception, Level 3 soil studies would begin. Mr. Mobley stated he does intend to have a buffer all the way around the property. At the time, the size of the buffer is not know. Proposed homes would have a minimum of 1,400 heated square feet, county water, and septic tanks.

MOTION

Mr. Pruitt made a motion to approve Application #02-45S. The motion passed on a second by Mr. Stogner with Margaret Palmer, Mose Stogner, Dennis Richardson, Greg Pruitt, Charles Heggie, and Karen Mathiak voting for the motion.

Ms. Palmer advised Mr. Mobley that the Board of Appeals has recommended approval for the application, and the Board of Commissioners will consider the application on January 23, 2003 at 6:00 p.m.

Application #02-46S: Annie Odom, Owner – Kilgore Road (3 acres located in Land Lot 122 of the 3rd Land District) – requesting a Special Exception to allow a Church in the AR-1 District.

Ernest Odom came forward, was sworn, gave his name, and address as 990 Kilgore Road, Griffin, Georgia.

Mr. Odom stated he is requesting approval for a Special Exception for a church to be placed on the property. Mr. Odom stated the property has already been surveyed, and is being donated to the church by him and his wife. The driveway for the church will come off Kilgore Road and go straight onto the church property.

Mr. Taylor stated staff recommends denial of the Special Exception request. Research was done and staff was unable to establish legal access to the site, which adds additional complication to the matter.

Mr. Galloway stated staff may wish to table this application until Mr. Odom can provide to staff with the following: 1) a pre-existing easement showing the deed that creates the

easement, or 2) documentation that conveys a new access for the church, and the document showing he has an access point off Kilgore Road.

MOTION

Ms. Mathiak made a motion to table Application #02-46S. The motion passed on a second Mr. Pruitt with Margaret Palmer, Mose Stogner, Dennis Richardson, Greg Pruitt, Charles Heggie, and Karen Mathiak voting for the motion.

Ms. Palmer advised Mr. Odom that the Board of Appeals has tabled the application until the next Board of Appeals meeting.

Application #02-47V: Annie Odom, Owner – Kilgore Road (3 acres located in Land Lot 122 of the 3rd Land District) – requesting a Variance from minimum road frontage in the AR-1 District.

MOTION

Ms. Mathiak made a motion to table Application #02-47V. The motion passed on a second Mr. Richardson with Margaret Palmer, Mose Stogner, Dennis Richardson, Greg Pruitt, Charles Heggie, and Karen Mathiak voting for the motion.

Ms. Palmer advised Mr. Odom that the Board of Appeals had tabled his variance application until the next Board of Appeals meeting.

Application #02-49V: Trustees of Landmark Church of God, Owner – Ellison Brannon, Agent – Dobbins Mill Road (1.801 acres located in Land Lot 124 of the 3rd Land District) – requesting a Variance from minimum lot size, landscape buffer, and parking requirements in the R-2 District.

Application #02-48S: Trustees of Landmark Church of God, Owner – Ellison Brannon, Agent – Dobbins Mill Road (1.801 acres located in Land Lot 124 of the 3rd Land District) – requesting a Special Exception to allow a Church in the R-2 District.

Ellison Brannon came forward, was sworn, gave his name, and address as 154 Mountain View, Molena, Georgia 30258.

Mr. Brannon stated he is asking for a Special Exception to build a new church adjacent to the existing site. The church currently has 78 members. The church is getting a lot of new members and are in need of additional space.

Brent Moye came forward, was sworn, gave his name, and address as 14 Sunnybrook Drive, McDonough, Georgia.

Mr. Moye stated he prepared the site plan for this new facility. Mr. Moye stated there are several requirements that the church does not meet. A Variance has been applied for on those requirements. Mr. Moye briefly discussed those requirements.

Mr. Brannon stated the existing church would be used as a children's church, youth ministry, and other special functions.

MOTION

Ms. Mathiak made a motion to approve Application #02-49V conditioned upon the Board of Commissioners approval of the Special Exception application. The motion passed on a second by Mr. Pruitt with Margaret Palmer, Mose Stogner, Dennis Richardson, Greg Pruitt, Charles Heggie, and Karen Mathiak voting for the motion.

Mr. Taylor stated staff recommended denial on the Variance and Special Exception applications.

MOTION

Mr. Pruitt made a motion to approve Application #02-49S. The motion passed on a second Mr. Richardson with Margaret Palmer, Mose Stogner, Dennis Richardson, Greg Pruitt, Charles Heggie, and Karen Mathiak voting for the motion.

Ms. Palmer advised Mr. Brannon that the Board of Appeals had approved his Variance application conditioned upon the Board of Commissioners approval of the Special Exception application, and he would be receiving a letter from the Community Development office. The Board of Appeals has recommended approval of the Special Exception application, and the Board of Commissioners will consider the application on January 23, 2003 at 6:00 p.m.

Application #02-50V: Cole Tract Associates, L.P., Owner – Trestle Road - Heron Bay Golf and Country Club (210 acres, more or less, located in Land Lot(s) 145, 247, 248, and 234 of the 2nd and 3rd Land Districts) – requesting a Variance from required front and side yard setbacks in Pod GG, and to allow cul-de-sac street to exceed 500 feet in the Planned Development District.

Brian Davison came forward, was sworn, gave his name, and address as 2292 Hendersonville Road, Atlanta, Georgia.

Mr. Davison stated he is requesting a Variance from required front yard setback of 50 feet to 30 feet, side yard setback of 12 feet to 8 feet, and cul-de-sac streets to extend beyond required 500 linear feet in Pod GG.

Mr. Taylor stated staff recommends approval of the Variance request. The redesign resulted in appealing units.

MOTION

Ms. Mathiak made a motion to approve Application #02-50V. The motion passed on a second by Mr. Pruitt with Margaret Palmer, Mose Stogner, Dennis Richardson, Greg Pruitt, Charles Heggie, and Karen Mathiak voting for the motion.

Ms. Palmer advised Mr. Davison that the Board of Appeals had approved his variance application, and he would be receiving a letter from the Community Development office.

Application #02-51S: Springs Industries, Inc., Successor by Merger to Dundee Mills, Inc., Owner – Minerva Properties, L.L.P., Agent – Jordan Hill Road (1,106 acres, more or less, located in Land Lot(s) 168, 169, 183, 184, 185, 186, 199, 200, and 218 of the 3rd Land District) requesting a Special Exception to allow condominium, patio, or zero lot line dwellings and to allow maximum building height of 60 feet in the Planned Development District.

Mr. Davison, still under oath, stated this project was recently rezoned. Mr. Davison stated the area is in the center of the property, and would be for active senior apartments. This is not assisted living, but would allow a huge array of services and events for the seniors. The ideal size of approximately 150 units would require additional height than what is already allowed. An elevator would be installed for the apartments. The target range is for 65 to 80 year old residents.

MOTION

Mr. Pruitt made a motion to approve Application #02-51S. The motion passed on a second by Mr. Richardson with Margaret Palmer, Mose Stogner, Dennis Richardson, Greg Pruitt, Charles Heggie,, and Karen Mathiak voting for the motion.

Ms. Palmer advised Mr. Davison that the Board of Appeals has recommended approval of the application, and the Board of Commissioners will consider the application on January 23, 2003 at 6:00 p.m.

Application #02-52S: Frank Towers Rice, Jr. and Katherine Kinder Rice, Etal, Owners – Minerva Properties, L.L.P., Agent – Teamon Road and Smoak Road (198 acres located in Land Lots 217, 231, and 232 of the 3rd Land District) – requesting a Special Exception to allow condominium, patio, or zero lot line dwellings and to allow maximum building height of 60 feet in the Planned Development District.

Mr. Davison, still under oath, stated the zero lot line dwellings are more of the single-family traditional lots.

MOTION

Ms. Mathiak made a motion to approve Application #02-52S. The motion passed on a second by Mr. Richardson with Margaret Palmer, Mose Stogner, Dennis Richardson, Greg Pruitt, Charles Heggie, and Karen Mathiak voting for the motion.

Ms. Palmer advised Mr. Davison that the Board of Appeals has recommended approval for the application, and the Board of Commissioners will consider the application on January 23, 2003 at 6:00 p.m.

MINUTES

The minutes of the November 14, 2002 meeting were approved on a motion by Ms. Mathiak and a second by Mr. Heggie with Margaret Palmer, Mose Stogner, Charles Heggie, Dennis Richardson and Karen Mathiak voting for the motion, and Greg Pruitt abstaining since he was not at the meeting.

ADJOURNMENT

Ms. Mathiak made a motion, seconded by Mr. Stogner, to adjourn the meeting. The motion passed with Margaret Palmer, Mose Stogner, Charles Heggie, Dennis Richardson, Greg Pruitt, and Karen Mathiak voting for the motion.

Margaret Palmer – Chairman

Cindy L. McDaniel – Recorder